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12 MAY 2008

Murata Manufacturing Company, LTD.
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McLean, VA 22102

In re Application of
TATSUKAWA et al. :
Application No. 10/531,522 :
PCT No.: PCT/JP04/17173 : DECISION ON PETITION
Int. Filing Date: 18 November 2004 : UNDER 37 CFR 1.181
Priority Date: 28 November 2003 :
Attorney Docket No.: 36856.1342 :
For: LAMINATED CERAMIC ELECTRONIC :
COMPONENT AND METHOD FOR :
PRODUCING THE SAME :

This decision is issued in response to applicant's "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment" filed in the United States Patent and Trademark Office (PTO) on 07 April 2008. No petition fee is required.

BACKGROUND

On 18 November 2004, applicant filed international application no. PCT/JP04/17173 which claimed a priority date of 28 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 09 June 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 28 May 2006.

On 15 April 2005, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia,: the basic national fee; a translation of the international application; and a preliminary amendment.

On 03 October 2005, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 15 November 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Abandonment indicating that the application was abandoned for failure to respond to the Notification of Missing Requirements mailed 03 October 2005.

On 21 November 2007, applicant filed a "Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment." In decision dated 28 March 2008, applicant's petition to withdraw the holding of abandonment was dismissed without prejudice.

On 07 April 2008, applicant filed "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment." The petition requests withdrawal of the holding of abandonment, stating that a response to the Notification Of Missing Requirements was timely filed via facsimile on 28 October 2005.

DISCUSSION

As stated in the previous "Decision on Petition," the application file does not contain the materials purportedly filed by facsimile on 28 October 2005. In order to confirm the 28 October 2005 filing of the materials accompanying the present petition, applicants must satisfy the requirements set forth in 37 CFR 1.8.

Applicant has resubmitted the "Response To Notification Of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office" that references an attached declaration, contains a Credit Card Payment Form in the amount of the required surcharge but bears a "Certificate of Mailing" statement. However, no new evidence to establish that the "Certificate of Transmission" statement as required by 37 CFR 1.8(a) was been placed on the facsimile dated 28 October 2005 has been provided. Since, applicant did not include the appropriate "certification" statement, the petition papers cannot be considered under 37 CFR 1.8(b). In summary, petitioners have not provided the proper showing necessary to withdraw the holding of abandonment.

Petitioners may wish to consider filing a petition under 37 CFR 1.137(b) to revive the instant application. Any petition filed under 37 CFR 1.137(b) must meet the criteria indicated in 37 CFR 1.137. This suggestion to consider filing a petition under 37 CFR 1.137(b) should not be construed as an indication as to whether any such petition will be favorably considered.

CONCLUSION

Applicant's petition to withdraw the holding of abandonment is **DISMISSED** without prejudice.

If reconsideration of the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." No additional fee is required. Extensions of time under 37 CFR 1.136(a) are permitted.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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